

From: [Fanning, Cynthia](#)  
To: [Gray, David](#)  
Subject: Draft responses to SEPW QFRs  
Date: Monday, February 11, 2013 11:58:09 AM

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**Inhofe, Question #60.a.** (ORD lead)

There are serious concerns about how EPA is conducting studies related to hydraulic fracturing, including concerns about a study currently underway to "better understand any potential impacts of hydraulic fracturing on drinking water and ground water." EPA has also requested \$14 million in FY 2013 for hydraulic fracturing research, more than doubling the FY 2012 request for areas the Agency has very little authority to regulate. EPA has issued press releases and findings on studies that have not been peer reviewed and needed further information and testing. EPA has also interjected themselves in areas where states - who are the rightful regulators of hydraulic fracturing - were doing studies and taking appropriate action. Finally, documents obtained by members of Congress from the interagency review of EPA's Utility MACT rule over a year ago show EPA's refusal to recognize more abundant use of natural gas reserves due to predetermined concerns with the "environmental impacts of hydraulic fracturing."

a. EPA's recent announcements with regards to the Agency's hydraulic fracturing investigations - the dismissal of the "emergency" order in Parker County, TX, EPA actions in Dimock, PA prior to findings of no concern, and EPA's non-peer reviewed conclusion in Pavillion, WY which has led the Agency to further rounds of testing with the state - have cast serious doubt on the agency's credibility and impartiality in conducting valid scientific studies of hydraulic fracturing. In all of these cases, EPA prematurely linked hydraulic fracturing to serious environmental and human health concerns where it appears the links, and in some instances the concerns themselves, were nonexistent. Given EPA's recent track record in its hydraulic fracturing investigations, how can you assure Congress and the public that, going forward, any preliminary or final conclusions as a result of the agency's studies - including the broad water study underway and the new studies to be funded by the President's latest budget request - are based on transparent and thorough sound science that include state regulators and industry and not preconceived political exercises as some of the Agency's prior investigations appear to be?

**Response:** Ex. 5 -- Deliberative Process Privilege



**Inhofe Question #61**

In Parker County, TX, Dimock, PA, and Pavillion, WY, EPA is studying and in some cases issuing orders or conducting actions related to private drinking water wells. Please list all regulatory authority, and circumstances that would spur the use of that authority, for EPA to intervene over a State in the regulation, investigation, or care of private drinking water wells.

**Response (from OECA):** Ex. 5 -- Deliberative Process Privilege



**Inhofe Question #65**

In testimony before Congress last year with regards to hydraulic fracturing, you stated that "EPA will use its authorities to protect local residents if a driller endangers water supplies and the state and local authorities have not acted." This in no way aligns with EPA's actions across the country where the Agency has interjected itself: in Parker County, Texas, Pavillion, Wyoming, and Dimock, Pennsylvania – all areas where state and local authorities were taking actions. Could you please comment on the specific deficiencies in the actions of the aforementioned

states which led to EPA intervention in each of those instances?

**Response (from OECA):** Ex. 5 -- Deliberative Process Privilege

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Vitter (LA), Question #5** (OGC lead)

On the issue of hydraulic fracturing, I would assume you are familiar with Range Resources and their work in Texas, as well as the pending litigation. Does EPA plan on dismissing your order against Range Resources in light of the Texas Railroad Commission finding that the gas was not from Range Resources' well? As well, are you aware that the judge has dismissed the plaintiff's complaint that their water well had been contaminated by Range Resources, but is allowing Range Resources'

counterclaim to proceed against the couple for producing a deceptive video that attempted to show their water would catch on fire due to fracking?

a. As a follow-up are you aware the judge wrote: "This demonstration was not done for scientific study, but to provide local and national news media a deceptive video, calculated to alarm the public into believing the water was burning"?

b. Range Resources has indicated an intention to conduct discovery to determine the extent to which the conduct influenced the EPA. Do you have a course of action for informing the public if EPA's staff failed to meet standards set forth in your new policy for scientific

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